

ORDER:

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Challenging the action of the respondents in not releasing the terminal benefits like gratuity and encashment of earned leave to the petitioner after retirement, the present Writ Petition is filed.

The petitioner worked as Assistant Manager in the second respondent-bank. Earlier, an enquiry was conducted by the competent authority wherein the petitioner was exonerated from the charges levelled against him. Having not satisfied with the said enquiry, the disciplinary authority ordered for re-enquiry. In the re-enquiry, he was found to have committed some illegalities and irregularities. Even thereafter, the disciplinary authority has not taken any action. The petitioner was allowed to retire from service with effect from 31.03.2004. Thereafter, employer-employee relationship ceases to exist between the respondents and the petitioner. Unless there is a specific Rule in the service rules governing the second respondent-bank employees, for taking disciplinary action or continuation of the departmental proceedings, after retirement, withholding of terminal benefits under the guise of departmental proceedings can not be said to be proper and fair on the part of the respondents. It is fairly submitted by the learned counsel for respondents that there is no such rule in the service rules governing the service conditions of the petitioner.

The learned standing counsel for the second respondent submitted that having not satisfied with the first enquiry report, the authorities ordered re-enquiry and the second enquiry officer submitted report, but no action has been taken thereon as on today.

The Writ Petition is, accordingly, allowed directing the respondents to release the terminal benefits viz. gratuity and encashment of earned leave, to the petitioner, within a period of four weeks from the date of

receipt of copy of this Order. No costs.

06.09.2005 (K.C.Bhanu, J.)

DRK

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice, on

Tuesday the sixth day of September two thousand and five.

...Registrar

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 2795 of 2005

Date: 06.09.2005

Between:

P.Kista Reddy, s/o. Somi Reddy,

R/o. H.No.10-99, Vinayaka Nagar Colony,

Balanagar, Hyderabad.

...Petitioner

and

1)The Commissioner of Co-operation/Registrar
of Co-operative Societies, Govt. of A.P.,
Hyderabad & another

...Respondents